

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 14-00306 WHA

v.

LUKE D. BRUGNARA,

Defendant.

**REQUEST FOR RESPONSES
RE GOVERNMENT'S MOTION**

The government has filed a motion requesting that the trial date be continued until July 2015. In the alternative, the government requests that if a trial is to be set for April 27, as requested by defendant, defense counsel confirm that they will proceed on April 27, 2015 (Dkt. No. 334).

The Court has received and read the motion and believes the government's recitation of the procedural history is substantially correct and that the equities surrounding the trial date favor the government rather than defendant, on account of defendant's own conduct necessitating a change in counsel and trial dates. Before ruling, the parties are requested to answer the following questions:

(1) Both sides shall state the extent to which the Speedy Trial Act allows the exclusion of time based upon conflicts by government counsel in circumstances like our case, where a

1 defendant has absconded and necessitated a change in trial date. The parties shall cite to
2 decisions exactly on point.

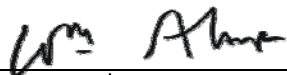
3 (2) If continuity of government counsel is not a recognized basis for excluding time, on
4 what other basis could time be excluded such that the trial could take place in July 2015.

5 (3) Defense counsel shall state whether, if the trial is set for April 27, 2015, counsel will
6 proceed on that date. Furthermore, defense counsel shall state whether they are formally
7 requesting a trial date of April 27. Counsel must be aware that if the April 27 date is set, then it
8 will not likely be moved again given the large dislocations in planning already imposed on the
9 government.

10 The parties shall respond to these questions by **NOON ON MARCH 3, 2015.**

11
12 **IT IS SO ORDERED.**

13
14 Dated: February 27, 2015.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE